

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>WOODS SERVICES, INC.</b>	<b>CIVIL ACTION</b>
<b>v.</b>	<b>NO. 18-296</b>
<b>DISABILITY ADVOCATES, INC., d/b/a</b> <i>Disability Rights New York</i>	

**ORDER RE: MOTION TO DISMISS,  
GRANTING IN PART AND DENYING IN PART**

AND NOW, this 17<sup>th</sup> day of October, 2018, upon consideration of Plaintiff's Motion to Dismiss the Amended Counterclaims (ECF 43) and the Memorandum of Law in support thereof, Defendant's Response in Opposition to Plaintiff's Motion (ECF 47), Plaintiff's Reply in Support of its Motion (ECF 51), after holding oral argument on the Motion on September 20, 2018, and for the reasons set out in the accompanying Memorandum, it is hereby ORDERED that:

1. Plaintiff's Motion is GRANTED as to Counts II and III; Defendant's counterclaims under Counts II and III on behalf of itself and its employees are DISMISSED WITH PREJUDICE; Defendant's counterclaims on behalf of Plaintiff's patients/residents are DISMISSED WITHOUT PREJUDICE, with leave to replead within 21 days;
2. Plaintiff's Motion is GRANTED as to Count IV and Defendant's counterclaim under Count IV is DISMISSED WITH PREJUDICE; and
3. Plaintiff's Motion is DENIED as to Counts I and V.

**BY THE COURT:**

**/s/ Michael M. Baylson**

**MICHAEL M. BAYLSON, U.S.D.J.**